

SHAW KELLER

LLP

Andrew E. Russell
I.M. Pei Building
1105 N. Market St., 12th Floor
Wilmington, DE 19801
(302) 298-0704
arussell@shawkeller.com

February 8, 2024

BY CM/ECF & HAND DELIVERY

The Honorable Jennifer L. Hall
United States District Court for the District of Delaware
844 N. King Street
Wilmington, DE 19801-3555

Re: *Sight Sciences, Inc. v. Ivantis, Inc., et. al.*, Case No. 21-1317-JLH

Dear Judge Hall,

I write on behalf of defendants Ivantis, Inc. et. al. to request a status conference. We are making this request because, following Your Honor's January 22, 2024 Oral Order that "[t]he Court cannot preside over the jury trial scheduled for the week of April 8, 2024," the parties disagree about whether or not trial will proceed on April 8.

Ivantis understands the January 22 Oral Order to vacate the trial date. Plaintiff Sight Sciences, Inc. has taken the position that Your Honor has not vacated the trial date and that the parties must begin pre-trial exchanges no later than February 20, 2024, as required by the Local Rules. The parties also identified a conflict between the Court's 2024 holiday schedule and the March 29, 2024 date previously set in the Scheduling Order for the pre-trial conference. A status conference would allow the resolution of these issues and the rescheduling of the trial, pretrial conference, and pretrial order deadlines if so needed.

I also write to request an argument date for the parties' pending case dispositive and *Daubert* motions. Ivantis makes this request because Your Honor's form scheduling order appears to prefer oral argument on these motions, while the scheduling order in this action does not have a date for such an argument. Sight declined to join this request.

Respectfully submitted,

/s/ Andrew E. Russell

Andrew E. Russell (No. 5382)

cc: Clerk of Court (by CM/ECF & Hand Delivery)
All Counsel of Record (by CM/ECF & Email)